

MINUTES OF THE SENATE FEDERAL AND STATE AFFAIRS COMMITTEE

The meeting was called to order by Chairman Pete Brungardt at 10:30 a.m. on March 8, 2007 in Room 231-N of the Capitol.

All members were present.

Committee staff present:

Kathie Sparks, Kansas Legislative Research Department  
Dennis Hodgins, Kansas Legislative Research Department  
Ken Wilke, Revisor of Statutes Office  
Connie Burns, Committee Assistant

Conferees appearing before the committee:

Representative Candy Ruff  
George Webb, KS Commission on Veterans' Affairs  
Representative Mario Goico  
Randy Mettner, Adjutant Generals' Office  
Chief Ed Klumpp, Ks Association of Chiefs of Police

Others attending:

See attached list.

**HB 2067 - Kansas Commission on Veterans Affairs; criminal history records**

Chairman Brungardt opened the hearing on **HB 2067**.

Representative Candy Ruff appeared in favor of the bill. (Attachment 1) The bill requires background checks for personnel working for the Kansas Commission on Veteran Affairs to include those who have access to veterans' sensitive and personal information.

George Webb, Executive Director, Kansas Commission Veterans' Affairs, spoke in favor of the bill. (Attachment 2) The bill would require those hired within the last five years, as well as all future hires, and also asks for FBI check as the KBI checks only identifies crimes within Kansas.

Chairman Brungardt closed the hearing on **HB 2067**.

**HB 2068 - Adjutant general, security officers**

Chairman Brungardt opened the hearing on **HB 2068**.

Representative Mario Goico appeared in favor of the bill. (Attachment 3) A requirement of the bill is for these security officers to have successfully completed a law enforcement training program and to wear a badge of office and to be able to cooperate with state and local authorities to detect and apprehend a person engaged in or suspected of a crime on National Guard property.

Randy Mettner, the Executive Officer for the Adjutant General Tod Bunting, presented the Adjutant General's testimony. (Attachment 4) The bill allows the Adjutant General to designate specific security officers who have completed certification in the training program of KSA 74-5607a, and amendments thereto, as law enforcement officers for the purpose of performing their responsibilities while on duty on the property of the National Guard.

Chief Ed Klumpp, Kansas Association of Chiefs of Police spoke in favor of the bill. (Attachment 5) An amendment was provided to the committee. (Attachment 6) The amendment provides consistency between the non-traditional law enforcement officers across the state; the consistency applies not only in the statutes, but also with uniformity of jurisdiction and authority. But most importantly, it provides for the authority and the jurisdiction levels proven necessary for property specific law enforcement officers to accomplish their critical mission.

CONTINUATION SHEET

MINUTES OF THE Senate Federal and State Affairs Committee at 10:30 a.m. on March 8, 2007 in Room 231-N of the Capitol.

Chairman Brungardt closed the hearing on **HB 2068**.

**Final Action:**

**SB 360 - State certified and licensed real property appraisers act; conforming amendments to FIERRA**

An amendment was provided to the committee that would change on page 3 line 5 "issue" stricken and insert the language provided. (Attachment 7)

Senator Vratil moved to adopt the amendment. Senator Reitz seconded the motion. The motion carried.

Senator Reitz moved to pass **SB 360** out favorably as amended. Senator Vratil seconded the motion. The motion carried.

**HB 2249 - Technical changes to the use of real estate sales validation questionnaire**

Senator Hensley moved to pass **HB 2249** out favorably. Senator Reitz seconded the motion. The motion carried.

**HB 2268 - Qualifications of persons conducting certain insect inspections**

The Revisor provided the committee an amendment that covers an exemption to the Kansas Department of Agriculture who performs an inspection for evidence of wood destroying insects as a part of such employee's duties pursuant to the Kansas pesticide law. (Attachment 8)

Senator Vratil moved to adopt the amendment. Senator Reitz seconded the motion. The motion carried.

Senator Reitz moved to adopt the amendment and to pass **HB 2268** out favorably as amended. Senator Ostmeier seconded the motion. The motion carried.

**HB 2314 - Board of accountancy approval of educational credit**

The Revisor provided an amendment that reinserts the language that was removed by the House Committee. (Attachment 9)

Senator Vratil moved to adopt the amendment. Senator Reitz seconded the motion. The motion carried.

Senator Reitz moved to adopt the amendment and to pass **HB 2314** out favorably as amended. Senator Lynn seconded the motion. The motion carried.

The meeting was adjourned at 11:15 am. The next scheduled meeting is March 13, 2007.

SENATE FEDERAL AND STATE AFFAIRS COMMITTEE  
GUEST LIST

DATE March 8, 2007

NAME	REPRESENTING
John Mettler	The Adjutant General Department
Scott A. Olson	the Adjutant Generals Department
Dabel Bauer	The Adjutant General Dept
Dawn Gines	The Adjutant Generals Dept
Ed Klump	Ks Assoc of Chiefs of Police
Sally Pritchard	KRSAB
TONY A. SCOTT	KSCPA
VIRGINIA POWELL	Boards of Accountancy
SUSAN SUMERS	Board of Accountancy
Will Deer	Federal Consulting
Luke Bell	KS Assoc. of REALTORS
George Webb	KS Comm on VETERANS' AFFAIRS
Rep. L. Andy Ruff	KS House
Ken Stodgill	VFW

STATE OF KANSAS

L. CANDY RUFF  
REPRESENTATIVE FORTIETH DISTRICT  
LEAVENWORTH COUNTY  
321 ARCH  
LEAVENWORTH, KANSAS 66048  
(913) 682-6390

STATE CAPITOL, ROOM 322-S  
TOPEKA, KANSAS 66612  
(785) 296-7647  
E-MAIL: Ruff@house.state.ks.us



TOPEKA  
HOUSE OF  
REPRESENTATIVES

COMMITTEE ASSIGNMENTS  
RANKING MINORITY MEMBER: VETERANS, MILITARY &  
HOMELAND SECURITY AFFAIRS  
MEMBER: COMMERCE & LABOR  
MEMBER: JOINT COMMITTEE ON ARTS AND  
CULTURAL RESOURCES

To: Senate Federal and State Affairs Committee

From: Rep. L. Candy Ruff

Re: HB 2067

Date: March 8, 2007

Substitute for HB 2067 requires background checks for personnel working for the Kansas Commission on Veteran Affairs to include those who have access to veterans' sensitive and personal information. Positions include veteran service representatives (VSR) and office assistants. All new hires and those who have worked less than five years will be subject to these background checks. Of the 13 VSRs currently working for KCVA, two will be affected by this law.

In light of scare last summer that occurred when someone was suspected of stealing the medical and personal data contained in Veterans Administration files, the Kansas Commission on Veterans Affairs accessed its own security arrangements. Among the improvements being made agency wide was the incorporation of background checks through the Kansas Bureau of Investigation, which would also include access to national criminal databases. This legislation was requested by KCVA at the beginning of the session.

**TESTIMONY REGARDING HB 2067**  
**George Webb**  
**Executive Director, Kansas Commission on Veterans' Affairs**  
**March 8, 2007**

Thank you for the opportunity to testify regarding HB 2067. I stand in support, and it was the Kansas Commission on Veterans' Affairs that requested the statutory changes considered in this bill.

Last year a well covered situation occurred in the US Department of Veterans Affairs: a laptop computer was stolen from the home of a VA employee, and that computer contained personal information on 26 million US veterans. The computer was recovered, and the FBI concluded that the information was not compromised.

During that period, I sat down with the KCVA leadership and staff and said that we ourselves should be introspective. Because we handle and maintain considerable personal information on Kansas veterans and their families. I wanted to know where we might be vulnerable and what we had to do to address those vulnerabilities.

Though we identified no critical problems, we found several areas where we could improve in order to reduce risk. Physical IT security, locking file cabinets, restrictions on taking home work when this data is involved, and full adherence to HIPAA requirements were addressed, so I think our proactive introspection did reduce risk.

We did discover that we have little knowledge of possible criminal history on our Veteran Service Representatives (VSRs) and their office assistants. While all staff members in our nursing homes must undergo criminal background checks in accordance with KSA 39-970, there is no such requirement for VSRs who maintain hundreds of files on veterans – files with considerable personal information. I also discovered that I cannot simply require a background check on applicants, however appropriate; statutory authority must be granted, and hence this bill.

We asked that we be allowed to go back and look at those hired up to five years ago as well as all future hires. While we anticipate no discovery of irregular history, we think that this is a prudent timeline. We also asked for the FBI check as well as the KBI check, because the latter would only identify crimes within Kansas. VSRs and potential VSRs almost universally have lived around the country or overseas.

Respectfully submitted on 8 March, 2007,



GEORGE S. WEBB  
Executive Director

STATE OF KANSAS



TOPEKA

HOUSE OF REPRESENTATIVES

MARIO GOICO  
REPRESENTATIVE, 100TH DISTRICT  
SEDGWICK COUNTY  
1254 N. PINE GROVE CT.  
WICHITA, KS 67212  
316-721-3682  
  
STATE CAPITOL—182-W  
TOPEKA, KS 66612-1504  
785-296-7667  
TOLL FREE (DURING SESSION) 1-800-432-3924  
FAX: 785-368-6385  
E-MAIL: goico@house.state.ks.us

COMMITTEE ASSIGNMENTS  
MEMBER: FINANCIAL INSTITUTIONS  
GOVERNMENTAL ORGANIZATION  
AND ELECTIONS  
HEALTH AND HUMAN SERVICES  
TAXATION  
KANSAS SECURITY

**TESTIMONY FOR THE  
SENATE FEDERAL & STATE AFFAIRS COMMITTEE  
HB 2068 – Kansas National Guard Security Officers**

Chairperson Brungardt and honorable senators, this legislation is needed because it recognizes the importance of Kansas National Guard security officers having law enforcement powers, rights, privileges, protections, and immunities as they are protecting military personnel, property and equipment. While on duty, these officers would be empowered to make arrests for any violations of state or federal laws. A person arrested by a security officer would be turned over to the local law enforcement agency in which the offense was committed. The security officers would also be able to cooperate with state and local authorities to detect and apprehend a person engaged in or suspected of a crime on National Guard property.

A requirement of this bill is for these security officers to have successfully completed a law enforcement training program and to wear a badge of office. As a result of this additional responsibility and training, they will get a pay increase to the university police pay range. The total cost of this program will be completely financed from the federal Military Fee Fund.

4



# KANSAS

ADJUTANT GENERAL'S DEPARTMENT  
Major General Tod M Bunting

KATHLEEN SEBELIUS, GOVERNOR

## Testimony on House Bill 2068

To the Senate Federal and State Affairs Committee

**Major General Tod Bunting**

The Adjutant General of Kansas

Thursday, March 8, 2007

Mr. Chairman and members of the Committee:

I am Randy Mettner, the Executive Officer for the Adjutant General Tod Bunting who asked me to give this testimony on his behalf. Thank you for allowing me to testify and support HB 2068 which allows the Adjutant Generals Department Security Forces and Resource protection officers to be certified Law enforcement officers with all the powers of a law enforcement officer including powers of arrest.

HB 2068 has been discussed since 2003 and the inception of the Resource Protection Officer (RPO) Program with the Kansas National Guard, as a means of incorporating much of the Department of Army Civilian Police and Security Guard Program. Previously, and post 9-11, Military Police were utilized to secure the perimeter and interior of the National Guard Headquarters Complex. However, with the world situations becoming hostile, many Guard units, including Kansas, were activated and were deployed. The RPO program began to fill the void.

In order to ensure minimum experience and training in law enforcement practices and procedures of employees, qualifications were developed for applications requiring a background in law enforcement, military police, or one year as an armed private security officer. Certification through the Kansas Law Enforcement Training Center or military police training facility was required. As a result, the majority of the program has certified or formerly certified law enforcement officers.

HB 2068 allows the Adjutant General to designate specific security officers and who have completed certification in the training program of KSA 74-5607a, and amendments thereto, as law enforcement officers, (LEO) for the purpose of performing their responsibilities while on duty on the property of the National Guard. The advantages of passage of this bill are:

2800 SW Topeka Boulevard, Topeka, KS 66611-1287  
(785) 274-1000

Sen Fed & State

Attachment 4

3-8-07

- Law Enforcement Officer (LEO) status would establish uniform standards concerning the establishment of policy and procedures for all RPOs.
- LEO status would allow officers a state certified power of arrest within the RPOs' designated area of jurisdiction which includes any State recognized or Department of Defense (DOD) property or routes between such jurisdictions. This would require the RPOs to have knowledge of state statutes and DOD regulations and the proper procedures for enforcing same.
- Certification would provide a uniform standard of annually mandated training using state certified standards, i.e. 40 hours of training per officer per year. The training must be certified by the Kansas Law Enforcement Training Center (KLETC).
- LEO certification would provide an opportunity for inter-agency coordination of emergency response to major disasters providing a possible dual role with regard to both state and DOD jurisdiction concerns.
- LEO certification of RPOs would help organize and assist with a centralized transition of multiple site programs under one command umbrella at JFHQ. This could help provide a unified direction for the entire statewide RPO program.
- LEO certification would provide for open channels of information and intelligence dissemination between RPOs and local law enforcement by means of the National Crime Information Network (NCIC) and Interstate Information Index (III).
- LEO certification would reduce the JFHQ's dependency on local law enforcement officers to assist in areas of traffic regulation, loitering on Complex property, accident investigation, repeat trespassers, etc, all of which currently require assistance of a local law enforcement agency.
- As a law enforcement agency (LEA) the RPO unit would have access to background records kept by the Kansas Law Enforcement Training Center (KLETC) on all previous and current certified law enforcement officers. This would allow us to make better educated decisions on potential RPOs. These records are only available to LEAs.



- LEO certification would increase the pool of qualified candidates for RPO positions.
- LEO certification would allow RPOs to attend training in areas presently closed to non-law enforcement units.
- LEO certification would allow for the inclusion in law enforcement only related grants and “piggy back” purchases with other law enforcement agencies.
- LEO certification would allow for collaboration with Washburn University’s Criminal Justice Department by providing internship opportunities.
- LEO certification would allow the Adjutant General to develop similar programs, as he deemed appropriate, at other property under his control, including Salina, the 190<sup>th</sup> Air Refueling Wing and Fort Leavenworth.
- This program is under the Master Cooperative Agreement with the National Guard Bureau and is 100 % federally funded.

While in House Committee on Veterans, Military and Homeland Security, questions were raised that some of the language of HB 2068 might exclude law enforcement officers appointed by the Adjutant General from the requirements of the Kansas Law Enforcement Training Act, K.S.A. 74-5601 through K.S.A 74-5623. Revisions were made in HB 2068 to make clear that the law enforcement officers appointed by the Adjutant General must meet the same qualifications as any other law enforcement officer in Kansas. Once the revisions were made HB 2068 was passed and sent to the Senate.

During that time, Mr. Ed Klump, representing the Kansas Association of Chiefs of Police (KACP), met with the Adjutant General and staff and presented his suggested changes to make the bill more clear and stronger legislation His concerns were discussed and consequently revisions were made to HB 2068 to address those items. The changes are in the markup of the bill as presented today. The suggestions of the Association of Chiefs of Police were helpful and greatly appreciated.

Thank you and I would be glad to answer questions.

**WRITTEN TESTIMONY TO THE SENATE FEDERAL AND STATE  
AFFAIRS COMMITTEE  
IN SUPPORT OF HB 2068  
Presented by Ed Klumpp  
On behalf of the  
Kansas Association of Chiefs of Police**

March 8, 2007

This testimony is in support of the concept presented in HB 2068 which will authorize the Adjutant General to have certified law enforcement officers. The assets under the control of the Adjutant General, including the National Guard and homeland security, are critical to the safety and well being of all Kansans. Those assets must be protected as strongly as reasonably possible. The addition of certified law enforcement officers to the staffing under the Adjutant General will provide that staff with the authority and jurisdiction they need to effectively provide protection to those assets and the people involved in the operation of those assets. In times of crisis, local law enforcement is already stretched too thin to provide the desperately needed level of direct law enforcement support that the proposed Adjutant General’s law enforcement officers can provide to protect critical assets. Maintaining the security officers under the Adjutant General works to support the mission of the law enforcement officers and accomplishes this in a fiscally responsible manner.

While we support the concept, we had some reservations in regards to some of the wording and provisions of the bill as passed by the House. As a result of those reservations, I met with General Bunting and some of his staff to suggest amendments that would make the bill more effective in allowing the services expected from those law enforcement officers. The amendments resulting from that meeting will be presented today. The amendments are intended to construct the bill in such a way the authorization mirrors the authority and jurisdiction provided to the school police and campus police. Such authority and jurisdiction is time tested to be effective and to assure maximum coordination between the traditional and non-traditional law enforcement authorities. The amendments actually widen the jurisdictional authority of law enforcement officers assigned to the Adjutant General’s Office but in a way that places reasonable limitations while providing a broad enough authority to be effective in protecting the assets under the control of the Adjutant General. These changes are based on what we learned in the process of adding the school police to KSA 22-2401a and attempting to eliminate the need to come back and revisit it like we did the school police authority and jurisdiction.

These are the key points to the amendments and the rationale to support them:

- The first is to clearly differentiate between the “security officers” and “law enforcement officers.” This was one of the main concerns of the chiefs. This also clarifies that those appointed to law enforcement status do not have to come from the security officer pool. See new section 5 inserted at page 2 line 11, the replacement language for page 2 lines 17-27, change in terminology on page 2 lines 28 and 32 and page 3 line 27.
- The second of the main concerns of the chiefs was the language concerning the requirements to be a law enforcement officer. The amendment simply states the must meet the requirements of the Kansas Law Enforcement Training Act and is consistent with the

language used for all other law enforcement authorities in the state. See the replacement language for page 2 lines 17-27, additional language on page 2 line 36.

- The third main concern of the chiefs involved the language of how arrestees are handled. The amendments also address all of our concerns related to this and again are consistent with what has been done with the other law enforcement authorities in Kansas, such as the campus police and school police. See the change of “shall” to “may” on page 2 line 32 and the addition at the end of line 35 on page 2. Actually it is our belief that everything after the word “property” on page 2 line 31 and all of lines 32 through 35 including our added language at the end of line 35 can be stricken entirely. No other law enforcement authority has this language attached to its authority.
- The jurisdictional restrictions as passed by the House are similar to those that proved too restrictive and problematic with the school police. This is an area where we drew from our experience several years ago. The original language in this bill restricted the jurisdictional authority to the property under the control of the adjutant general. We learned from the school police when they were given law enforcement authority that this was not enough. For example, if a law enforcement officer is on the property and observed suspicious or illegal activity off the property itself (like across the street or even in the street) they could not intervene until the activity reached the property. If they confronted those issues off property, those cases were lost in court over the jurisdictional issue. The amendments fix this by allowing the same provisions as currently in place for the campus police and school police. That allows for limited jurisdiction off the property when there is a memorandum of agreement with the local law enforcement authority (police department and/or sheriff’s office). This assures all of the law enforcement agency’s efforts are well coordinated. Placing these provisions in KSA 22-2401a provides consistency with the location in the statutes of all other law enforcement jurisdiction. See the new section 4 to be inserted on page 4 line 32. The contents of the revisions of KSA 22-2401a are the last 7 pages of the balloon amendment. The changes are on pages 6 and 7 of that attachment.

Collectively, these amendments provide consistency between the non-traditional law enforcement officers across the state. That consistency applies not only in the statutes, but also with uniformity of jurisdiction and authority. But most importantly, it provides for the authority and the jurisdiction levels proven necessary for property specific law enforcement officers to accomplish their critical mission.

With these amendments in place, the KACP supports this bill and strongly urges the committee to recommend this bill to pass as amended.



Ed Klumpp  
Chief of Police-Retired  
Topeka Police Department

Legislative Committee Chair  
Kansas Association of Chiefs of Police  
E-mail: [eklumpp@cox.net](mailto:eklumpp@cox.net); Phone: (785) 235-5619; Cell: (785) 640-1102

HOUSE BILL No. 2068

By Committee on Veterans, Military and Homeland Security

1-16

10 AN ACT concerning security officers appointed by the adjutant general;  
11 relating to powers as law enforcement officers; amending K.S.A. 48-  
12 204 and K.S.A. 2006 Supp. ~~74-5602~~ and repealing the existing sections.

22-2401a and

13  
14 *Be it enacted by the Legislature of the State of Kansas:*

15 Section 1. K.S.A. 48-204 is hereby amended to read as follows: 48-  
16 204. (a) The adjutant general shall:

17 (1) Be in control of the military department of the state and subor-  
18 dinate only to the governor in matters pertaining to the department;

19 (2) have general supervision over all the subordinate military depart-  
20 ments, to include the department of the army national guard and the  
21 department of the air national guard;

22 (3) perform such duties as pertain to the adjutant general's depart-  
23 ment under the regulations and usage of the army of the United States;

24 (4) superintend the preparation of all returns and reports required  
25 by the United States from the state;

26 (5) require a certificate of the military service to be furnished, in  
27 accordance with K.S.A. 73-209 and amendments thereto, to any soldier  
28 who has served in the army in any of the state military organizations; and

29 (6) audit and pass upon all claims of a military character against the  
30 state, and no contract of a military nature against the state shall be valid  
31 or paid until approved by the adjutant general.

32 (b) The adjutant general is authorized to:

33 (1) Adopt regulations pertaining to the preparation and rendering of  
34 reports and returns and to the care and preservation of public property  
35 as in the adjutant general's opinion the conditions demand, which regu-  
36 lations shall be operative and in force when promulgated in the form of  
37 general orders, circulars or circular letters;

38 (2) administer oaths in matters pertaining to the duties of the office  
39 as relates to: (A) Claims against the state; (B) the organization of boards  
40 of survey, courts-martial and courts of inquiry; (C) affidavits covering loss  
41 of military property belonging to the state or the United States; (D) oaths  
42 of office of officers of the Kansas national guard; (E) statements and  
43 reports required from officers pertaining to property and money account-

6-2

1 ability and expenditures; and (F) any other official military matters coming  
2 before the adjutant general; and

3 (3) adopt an appropriate seal for use in the office, to be affixed to all  
4 oaths that the adjutant general administers under authority of law, and to  
5 authenticate all certificates required of the adjutant general; ~~and~~

6 (4) appoint such officers as necessary as security officers for the protection  
7 of all national guard property and equipment, owned by or under  
8 the control of the Kansas national guard wherever located in the state of  
9 Kansas, including when transported over public roads or located on temporary  
10 national guard sites, and for the protection of persons and property  
11 associated with the national guard.

12 (c) ~~1) Any security officer appointed pursuant to the provisions of~~  
13 ~~subsection (b)(4) who successfully completes a training program in law~~  
14 ~~enforcement as provided in K.S.A. 74-5607a, and amendments thereto,~~  
15 ~~shall be deemed to have met all the requirements for certification as a law~~  
16 ~~enforcement officer. Those members of the adjutant general's department~~  
17 ~~who are appointed as security officers and who have successfully completed~~  
18 ~~such training pursuant to K.S.A. 74-5607a, and amendments~~  
19 ~~thereto, are hereby empowered: (A) While on duty, to make arrests on~~  
20 ~~the property owned by or under the control of the Kansas national guard~~  
21 ~~for any violations of the law of this state or of the United States; and (B)~~  
22 ~~to cooperate with state and local authorities in detecting and apprehending~~  
23 ~~any person or persons engaged in or suspected of the commission of~~  
24 ~~any crime, misdemeanor or offense against the law of this state or of the~~  
25 ~~United States, or of any ordinance of any municipality of this state, if~~  
26 ~~such is committed or attempted to be committed on any Kansas national~~  
27 ~~guard property.~~

28 (2) A security officer engaged in the protective functions specified in  
29 subsection (b)(4), shall possess and exercise all general law enforcement  
30 powers, rights, privileges, protections and immunities in every county  
31 where there is located any Kansas national guard property. All persons  
32 arrested by a security officer shall be turned over to the appropriate local  
33 police or county sheriff in whose jurisdiction the offense was committed  
34 to be processed in the same manner as other persons turned over to such  
35 police or sheriff.

36 (3) While on duty, security officers appointed pursuant to subsection  
37 (b)(4) shall wear and display publicly a badge of office.

38 Sec. 2. K.S.A. 2006 Supp. 74-5602 is hereby amended to read as  
39 follows: 74-5602. As used in the Kansas law enforcement training act:

40 (a) "Training center" means the law enforcement training center  
41 within the division of continuing education of the university of Kansas,  
42 created by K.S.A. 74-5603 and amendments thereto.

43 (b) "Commission" means the Kansas commission on peace officers'

; and  
(5) appoint law enforcement officers to serve under the  
command of the adjutant general

law enforcement officers must meet the requirements  
of the Kansas law enforcement training act, K.S.A. 74-  
5601 through K.S.A. 74-5623 and amendments thereto

law enforcement

law enforcement officer may

or may book such arrested person at the jail in the  
jurisdiction of the arrest. Such law enforcement officer  
shall complete any required reports, arrest affidavits,  
and other documents associated with the arrest. These  
reports shall be kept on file with the office of the  
adjutant general, unless a memorandum of agreement  
with the local law enforcement agency specifies  
otherwise

or (b)(5), as applicable,

or law enforcement officers

1 standards and training, created by K.S.A. 74-5606 and amendments  
2 thereto.

3 (c) "Dean" means the dean of continuing education of the university  
4 of Kansas.

5 (d) "Director of police training" means the director of police training  
6 at the law enforcement training center.

7 (e) "Director" means the executive director of the Kansas commis-  
8 sion on peace officers' standards and training.

9 (f) "Law enforcement" means the prevention or detection of crime  
10 and the enforcement of the criminal or traffic laws of this state or of any  
11 municipality thereof.

12 (g) "Police officer" or "law enforcement officer" means a full-time or  
13 part-time salaried officer or employee of the state, a county or a city,  
14 whose duties include the prevention or detection of crime and the en-  
15 forcement of the criminal or traffic laws of this state or of any municipality  
16 thereof. Such terms shall include, but not be limited to, the sheriff, un-  
17 dersheriff and full-time or part-time salaried deputies in the sheriff's of-  
18 fice in each county; deputy sheriffs deputized pursuant to K.S.A. 19-2858  
19 and amendments thereto; conservation officers of the Kansas department  
20 of wildlife and parks; university police officers, as defined in K.S.A. 22-  
21 2401a, and amendments thereto; campus police officers, as defined in  
22 K.S.A. 22-2401a, and amendments thereto; law enforcement agents of  
23 the director of alcoholic beverage control; law enforcement agents of the  
24 Kansas lottery; law enforcement agents of the Kansas racing commission;  
25 deputies and assistants of the state fire marshal having law enforcement  
26 authority; capitpol police, existing under the authority of K.S.A. 75-4503

27 and amendments thereto; and ~~security~~ *officers appointed by the adjutant*  
28 *general pursuant to K.S.A. 48-204 and amendments thereto.* Such terms  
29 shall also include railroad policemen appointed pursuant to K.S.A. 66-  
30 524 and amendments thereto; school security officers designated as  
31 school law enforcement officers pursuant to K.S.A. 72-8222 and amend-  
32 ments thereto; and the director of the Kansas commission on peace of-  
33 ficers' standards and training and any other employee of such commission  
34 designated by the director pursuant to K.S.A. 74-5603, and amendments  
35 thereto, as a law enforcement officer. Such terms shall not include any  
36 elected official, other than a sheriff, serving in the capacity of a law en-  
37 forcement or police officer solely by virtue of such official's elected po-  
38 sition; any attorney-at-law having responsibility for law enforcement and  
39 discharging such responsibility solely in the capacity of an attorney; any  
40 employee of the commissioner of juvenile justice, the secretary of cor-  
41 rections or the secretary of social and rehabilitation services; any deputy  
42 conservation officer of the Kansas department of wildlife and parks; or  
43 any employee of a city or county who is employed solely to perform

law enforcement

1 correctional duties related to jail inmates and the administration and op-  
 2 eration of a jail; or any full-time or part-time salaried officer or employee  
 3 whose duties include the issuance of a citation or notice to appear pro-  
 4 vided such officer or employee is not vested by law with the authority to  
 5 make an arrest for violation of the laws of this state or any municipality  
 6 thereof, and is not authorized to carry firearms when discharging the  
 7 duties of such person's office or employment. Such term shall include  
 8 any officer appointed or elected on a provisional basis.

9 (h) "Full-time" means employment requiring at least 1,000 hours of  
 10 law enforcement related work per year.

11 (i) "Part-time" means employment on a regular schedule or employ-  
 12 ment which requires a minimum number of hours each payroll period,  
 13 but in any case requiring less than 1,000 hours of law enforcement related  
 14 work per year.

15 (j) "Misdemeanor crime of domestic violence" means a violation of  
 16 domestic battery as provided by K.S.A. 2006 Supp. 21-3412a and amend-  
 17 ments thereto, or any other misdemeanor under federal, municipal or  
 18 state law that has as an element the use or attempted use of physical  
 19 force, or the threatened use of a deadly weapon, committed by a current  
 20 or former spouse, parent, or guardian of the victim, by a person with  
 21 whom the victim shares a child in common, by a person who is cohabiting  
 22 with or has cohabited with the victim as a spouse, parent or guardian, or  
 23 by a person similarly situated to a spouse, parent or guardian of the victim.

24 (k) "Auxiliary personnel" means members of organized nonsalaried  
 25 groups which operate as an adjunct to a police or sheriff's department,  
 26 including reserve officers, posses and search and rescue groups.

27 (l) "Active law enforcement certificate" means a certificate which at-  
 28 tests to the qualification of a person to perform the duties of a law en-  
 29 forcement officer and which has not been suspended or revoked by action  
 30 of the Kansas commission on peace officers' standards and training and  
 31 has not lapsed by operation of law as provided in K.S.A. 74-5622, and  
 32 amendments thereto.

33 Sec. ~~5~~ K.S.A. 48-204 and K.S.A. 2006 Supp. 74-5602 are hereby  
 34 repealed.

35 Sec. ~~16~~ This act shall take effect and be in force from and after its  
 36 publication in the statute book.

Insert Section 4 and renumber the remaining sections accordingly.

22-2401a and

22-2401a 4

Sec. 1. K.S.A. 2006 Supp. 22-2401a is hereby amended to read as follows: 22-2401a.

(1) Law enforcement officers employed by consolidated county law enforcement agencies or departments and sheriffs and their deputies may exercise their powers as law enforcement officers:

(a) Anywhere within their county; and

(b) in any other place when a request for assistance has been made by law enforcement officers from that place or when in fresh pursuit of a person.

(2) Law enforcement officers employed by any city may exercise their powers as law enforcement officers:

(a) Anywhere within the city limits of the city employing them and outside of such city when on property owned or under the control of such city; and

(b) in any other place when a request for assistance has been made by law enforcement officers from that place or when in fresh pursuit of a person.

(3) (a) Law enforcement officers employed by a Native American Indian Tribe may exercise powers of law enforcement officers anywhere within the exterior limits of the reservation of the tribe employing such tribal law enforcement officer, subject to the following:

(i) The provisions of subsection (3)(a) shall be applicable only if such Native American Indian Tribe has entered into a valid and binding agreement with an insurance carrier to provide liability insurance coverage for damages assessed in state or federal court and arising from the acts, errors or omissions of such tribal law enforcement agency or officer while acting pursuant to this section. Such insurance policy shall be in an amount not less than \$500,000 for any one person and \$2,000,000 for any one occurrence for personal injury and \$1,000,000 for any one occurrence for property damage and shall carry an endorsement to



provide coverage for mutual aid assistance. Such insurance policy shall be subject to verification by the attorney general. Such insurance policy shall include an endorsement providing that the insurer may not invoke tribal sovereign immunity up to the limits of the policy set forth herein.

(ii) The provisions of subsection (3)(a) shall be applicable only if such Native American Indian Tribe has filed with the county clerk a map clearly showing the boundaries of the Tribe's reservation as defined in this section.

(b) If a claim is brought against any tribal law enforcement agency or officer for acts committed by such agency or officer while acting pursuant to this section, such claim shall be subject to disposition as if the tribe was the state pursuant to the Kansas tort claims act, provided that such act shall not govern the tribe's purchase of insurance. The tribe shall waive its sovereign immunity solely to the extent necessary to permit recovery under the liability insurance, but not to exceed the policy limits.

(c) Nothing in this subsection (3) shall be construed to prohibit any agreement between any state, county or city law enforcement agency and any Native American Indian Tribe.

(d) Nothing in this subsection (3) shall be construed to affect the provision of law enforcement services outside the exterior boundaries of reservations so as to affect in any way the criteria by which the United States department of the interior makes a determination regarding placement of land into trust.

(e) Neither the state nor any political subdivision of the state shall be liable for any act or failure to act by any tribal law enforcement officer.

(4) University police officers employed by the chief executive officer of any state educational institution or municipal university may exercise their powers as university police officers anywhere:

(a) On property owned or operated by the state educational institution or municipal university, by a board of trustees of the state educational institution, an endowment association, an athletic association, a fraternity, sorority or other student group associated with the state educational institution or municipal university;

(b) on the streets, property and highways immediately adjacent to the campus of the state educational institution or municipal university;

(c) within the city where such property as described in this subsection is located, as necessary to protect the health, safety and welfare of students and faculty of the state educational institution or municipal university, with appropriate agreement by the local law enforcement agencies. Such agreements shall include provisions defining the geographical scope of the jurisdiction conferred, circumstances requiring the extended jurisdiction, scope of law enforcement powers and duration of the agreement. Any agreement entered into pursuant to this provision shall be approved by the governing body of the city or county, or both, having jurisdiction where such property is located, and the chief executive officer of the state educational institution or municipal university involved before such agreement may take effect; and

(d) additionally, when there is reason to believe that a violation of a state law, a county resolution, or a city ordinance has occurred on property described in subsection (4)(a) or (b), such officers with appropriate

notification of, and coordination with, local law enforcement agencies or departments, may investigate and arrest persons for such a violation anywhere within the city where such property, streets and highways are located. Such officers also may exercise such powers in any other place when in fresh pursuit of a person. University police officers shall also have authority to transport persons in custody to an appropriate facility, wherever it may be located. University police officers at the university of Kansas medical center may provide emergency transportation of medical supplies and transplant organs.

(5) In addition to the areas where law enforcement officers may exercise their powers pursuant to subsection (2), law enforcement officers of any jurisdiction within Johnson or Sedgwick county may exercise their powers as law enforcement officers in any area within the respective county when executing a valid arrest warrant or search warrant, to the extent necessary to execute such warrants.

(6) In addition to the areas where university police officers may exercise their powers pursuant to subsection (4), university police officers may exercise the powers of law enforcement officers in any area outside their normal jurisdiction when a request for assistance has been made by law enforcement officers from the area for which assistance is requested.

(7) In addition to the areas where law enforcement officers may exercise their powers pursuant to subsection (2), law enforcement officers of any jurisdiction within Johnson county may exercise their powers as law enforcement officers in any adjoining city within Johnson county when any crime, including a traffic infraction, has been or is being committed by a person in view of the law

enforcement officer. A law enforcement officer shall be considered to be exercising such officer's powers pursuant to subsection (2), when such officer is responding to the scene of a crime, even if such officer exits the city limits of the city employing the officer and further reenters the city limits of the city employing the officer to respond to such scene.

(8) Campus police officers employed by a community college or school district may exercise the power and authority of law enforcement officers anywhere:

(a) On property owned, occupied or operated by the school district or community college or at the site of a function sponsored by the school district or community college;

(b) on the streets, property and highways immediately adjacent to and coterminous with property described in subsection (8)(a);

(c) within the city or county where property described in subsection (8)(a) is located, as necessary to protect the health, safety and welfare of students and faculty of the school district or community college, with appropriate agreement by local law enforcement agencies. Such agreements shall include provisions, defining the geographical scope of the jurisdiction conferred, circumstances requiring the extended jurisdiction, scope of law enforcement powers and duration of the agreement. Before any agreement entered into pursuant to this section shall take effect, it shall be approved by the governing body of the city or county, or both, having jurisdiction where such property is located, and the board of education or board of trustees involved;

(d) with appropriate notification of and coordination with local law enforcement agencies, within the city or county where property described in subsection (8)(a) or (8)(b) is located, when there is reason to

believe that a violation of a state law, county resolution or city ordinance has occurred on such property, as necessary to investigate and arrest persons for such a violation;

(e) when in fresh pursuit of a person; and

(f) when transporting persons in custody to an appropriate facility, wherever it may be located.

[10] (9) As used in this section:

(a) "Law enforcement officer" means: (1) Any law enforcement officer as defined in K.S.A. 22-2202, and amendments thereto; or (2) any tribal law enforcement officer who is employed by a Native American Indian Tribe and has completed successfully the initial and any subsequent law enforcement training required under the Kansas law enforcement training act.

(b) "University police officer" means a police officer employed by the chief executive officer of: (1) Any state educational institution under the control and supervision of the state board of regents; or (2) a municipal university.

(c) "Campus police officer" means a school security officer designated as a campus police officer pursuant to K.S.A. 72-8222, and amendments thereto.

(d) "Fresh pursuit" means pursuit, without unnecessary delay, of a person who has committed a crime, or who is reasonably suspected of having committed a crime.

(e) "Native American Indian Tribe" means the Prairie Band Potawatomi Nation, Kickapoo Tribe in Kansas, Sac and Fox Nation of Missouri and the Iowa Tribe of Kansas and Nebraska.

(f) "Reservation" means:

(i) With respect to the Iowa Tribe of Kansas and Nebraska, the reservation established by treaties with the United States concluded May 17, 1854, and March 6, 1861;

(ii) with respect to the Kickapoo Nation,

(9) TAG law enforcement officers employed by the adjutant general may exercise their powers as police officers anywhere:

(a) On property owned or under the control of the Kansas national guard or any component under the command of the adjutant general;

(b) on the streets, property and highways immediately adjacent to property owned or under the control of the Kansas national guard; within the city or county where such property as described in subsection (9)(a) or (b) is located, as necessary to protect such property; or to protect the health, safety and welfare of members of the national guard, reserve, or employees of the United States department of defense, the United States department of homeland security, or any branch of the United States military with appropriate agreement by the local law enforcement agencies. Such agreements shall include provisions defining the geographical scope of the jurisdiction conferred, circumstances requiring the extended jurisdiction, scope of law enforcement powers and duration of the agreement. Any agreement entered into pursuant to this provision shall be approved by the governing body of the city or county, or both, having jurisdiction where such property is located, and the adjutant general before such agreement may take effect. In addition, when there is reason to believe that a violation of a state law, a county resolution, or a city ordinance has occurred on property described in subsection (9)(a) or (b), after providing appropriate notification to, and coordination with, local law enforcement agencies or departments, such officers may investigate and arrest persons for such a violation anywhere within the city or county where such property, streets and highways are located. Such officers also may exercise such powers in any other place when in fresh pursuit of a person. TAG law enforcement officers shall also have authority to transport persons in custody to an appropriate facility, wherever it may be located.

the reservation established by treaty with the United States concluded June 28, 1862;

(iii) with respect to the Prairie Band Potawatomi Nation in Kansas, the reservation established by treaties with the United States concluded June 5, 1846, November 15, 1861, and February 27, 1867; and

(iv) with respect to the Sac and Fox Nation of Missouri in Kansas and Nebraska: (A) the reservation established by treaties with the United States concluded May 18, 1854, and March 6, 1861, and by acts of Congress of June 10, 1872 (17 Stat. 391), and August 15, 1876 (19 Stat. 208), and (B) the premises of the gaming facility established pursuant to the gaming compact entered into between such nation and the state of Kansas, and the surrounding parcel of land held in trust which lies adjacent to and east of U.S. Highway 75 and adjacent to and north of Kansas Highway 20, as identified in such compact.

11 ~~[(10)]~~ The provisions of subsection (3) and subsections (9)(a)(2), (9)(d) and (9)(e) shall expire on July 1, 2009.

(g) "TAG law enforcement officer" means a police officer employed by the adjutant general pursuant to K.S.A. 48-204 and amendments thereto.

1 enter into such contracts for the services of attorneys and appraisers as  
2 necessary to administer and enforce the provisions of this act.

3 (d) ~~(1)~~ In connection with any investigation, based upon a written  
4 complaint or other reasonably reliable written information received by  
5 the board, the board or its duly authorized agents or employees may ~~issue~~  
6 subpoenas compelling the attendance and testimony of witnesses or the  
7 production for examination or copying of documents or any other physical  
8 evidence if such evidence relates to practices which may be grounds for  
9 disciplinary action.

apply to the district court in accordance  
with the provisions of K.S.A. 60-245 or  
60-245a, whichever is applicable, for the  
issuance of

10 (2) Within five days after the service of the subpoena on any person  
11 requiring the production of any evidence in the person's possession or  
12 under the person's control, such person may petition the board to revoke,  
13 limit or modify the subpoena. The board shall revoke, limit or modify such  
14 subpoena if in its opinion the evidence required does not relate to practices  
15 which may be grounds for disciplinary action, is not relevant to the charge  
16 which is the subject matter of the proceeding or investigation or does not  
17 describe with sufficient particularity the physical evidence which is re-  
18 quired to be produced.

19 (3) The district court, upon application by the board or by the person  
20 subpoenaed, shall have jurisdiction to issue an order:

21 (A) Requiring such person to appear before the board or its duly  
22 authorized agent to produce evidence relating to the matter under inves-  
23 tigation; or

24 (B) revoking, limiting or modifying the subpoena if, in the court's  
25 opinion, the evidence demanded does not relate to practices which may  
26 be grounds for disciplinary action, is not relevant to the charge which is  
27 the subject matter of the hearing or investigation or does not describe  
28 with sufficient particularity the evidence which is required to be pro-  
29 duced.

30 Sec. 3. K.S.A. 58-4107 is hereby amended to read as follows: 58-  
31 4107. (a) The board shall adopt rules and regulations prescribing the fees  
32 provided for by this act in amounts necessary to administer and enforce  
33 this act, subject to the following:

34 (1) For application for certification or licensure, a fee not to exceed  
35 \$50.

36 (2) For any examination required for certification or licensure, a fee  
37 in an amount equal to the actual cost of the examination and administra-  
38 tion thereof.

39 (3) For original or renewal certification or licensure, a fee not to  
40 exceed \$300.

41 (4) For late renewal of a certificate or license, a late fee not to exceed  
42 \$50.

43 (5) For certification to another jurisdiction that an individual is cer-

## HOUSE BILL No. 2268

By Committee on Judiciary

1-29

9 AN ACT concerning consumer protection; relating to qualifications of  
10 persons conducting certain inspections for wood destroying insects.

11

12 *Be it enacted by the Legislature of the State of Kansas:*

13 Section 1. (a) Any person performing inspections for evidence of  
14 wood destroying insects, at the request of a buyer, seller, real estate bro-  
15 ker, real estate salesperson, relocation company or financial institution,  
16 in connection with a real estate transaction or a loan secured by an interest  
17 in real estate shall hold, at the time of inspection, a valid certification,  
18 issued pursuant to the Kansas pesticide law, which authorizes the person  
19 to use or supervise the use of restricted use pesticides in the control of  
20 wood destroying insects.

21 (b) [Any such inspection that does not comply with subsection (a) shall  
22 constitute a deceptive act or practice in violation of K.S.A. 50-626, and  
23 amendments thereto.

24 (c) [This section shall be a part of and supplemental to the Kansas  
25 consumer protection act.

26 Sec. 2. This act shall take effect and be in force from and after its  
27 publication in the statute book.

Any person who performs an inspection specified in subsection (a) and who fails to comply with the requirements of subsection(a), shall be guilty of a deceptive act or practice in violation of K.S.A. 50-626 and amendments thereto.

(c) The provisions of this section shall not apply to any employee of the Kansas department of agriculture who performs an inspection for evidence of wood destroying insects as a part of such employee's duties pursuant to the Kansas pesticide law.

(d)



HOUSE BILL No. 2314

By Committee on Commerce and Labor

1-31

10 AN ACT concerning licensure, examination and registration of certified  
11 public accountants; relating to the education requirements for admis-  
12 sion to examination; amending K.S.A. 2006 Supp. 1-302a and repealing  
13 the existing section.

14 *Be it enacted by the Legislature of the State of Kansas:*

15 Section 1. K.S.A. 2006 Supp. 1-302a is hereby amended to read as  
16 follows: 1-302a. (a) The education requirement prescribed by K.S.A. 1-  
17 302, and amendments thereto, is satisfied by successful completion of  
18 course work consisting of at least 150 semester hours, with a concentra-  
19 tion in accounting, at a college or university recognized by the board and  
20 the applicant is the holder of a baccalaureate or higher academic degree.  
21 *if the applicant meets all of the following requirements:*

22 (1) *Is the holder of a baccalaureate or higher academic degree from*  
23 *a college or university approved by the board; ~~and~~*

24 (2) *has been awarded credit by a college or university approved by*  
25 *the board for at least 150 semester hours, with a concentration in ac-*  
26 *counting; ~~and~~*

27 (3) *the credit is accepted by the board.*

28 (b) An applicant for admission to take the initial examination in this  
29 state as required in K.S.A. 1-302, and amendments thereto, must submit  
30 evidence satisfactory to the board of accountancy or to the examination  
31 service that the applicant has successfully completed coursework consist-  
32 ing of at least 150 semester hours, with a concentration in accounting, at  
33 a college or university recognized by the board and that the applicant is  
34 the holder of a baccalaureate or higher academic degree *meets the*  
35 *requirements of subsection (a).*

36 (c) The board of accountancy may define, by rules and regulations,  
37 the term "concentration in accounting," as the same is to be applied each  
38 place such term occurs in this section and K.S.A. 1-302b, and amend-  
39 ments thereto. *"The board may also prescribe, by rules and regulations,*  
40 *the type and amount of credit submitted pursuant to subsection (a)."*

41 (d) The board, by rules and regulations, may provide for admittance  
42 to the examination in this state of persons who will have met the education  
43

} ; and  
(3) the credit is accepted by the board

Sen Fed & State  
Attachment 9  
3-8-07

1 ~~requirements, as provided in this section, within 90 days after the ex-~~  
2 ~~amination to which admitted, but no report on the examination of any~~  
3 ~~such person shall be made unless such person shall have met the edu-~~  
4 ~~cation requirements as provided in this section. This subsection shall ex-~~  
5 ~~pire on January 1, 2004.~~

6 Sec. 2. K.S.A. 2006 Supp. 1-302a is hereby repealed.

7 Sec. 3. This act shall take effect and be in force from and after its  
8 publication in the Kansas register.

The board may also prescribe, by rules  
and regulations, the type and amount of  
credit submitted pursuant to subsection (a).